

Certificate of Notice Page 1 of 3
 United States Bankruptcy Court
 Eastern District of Pennsylvania

Faulkner,
 Plaintiff
 M&T BANK,
 Defendant

Adv. Proc. No. 17-00276-elf

CERTIFICATE OF NOTICE

District/off: 0313-2

User: JEGilmore
Form ID: pdf900Page 1 of 1
Total Noticed: 10

Date Rcvd: Feb 02, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 04, 2018.

ust +BRENDA D. GISH, Office of United States Trustee - U.S. D, Federal Building,
 228 Walnut Street, 11th Floor, Harrisburg, PA 17101-1714
 pla +Mattie Mae Faulkner, 5432 N. Fairhill Street, Philadelphia, PA 19120-2711

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: bankruptcy@phila.gov Feb 03 2018 01:38:12 City of Philadelphia,
 City of Philadelphia Law Dept., Tax Unit/Bankruptcy Dept, 1515 Arch Street 15th Floor,
 Philadelphia, PA 19102-1595
 smg E-mail/Text: RVSVCBICNOTICE1@state.pa.us Feb 03 2018 01:37:46
 Pennsylvania Department of Revenue, Bankruptcy Division, P.O. Box 280946,
 Harrisburg, PA 17128-0946
 smg +E-mail/Text: usapae.bankruptcynotices@usdoj.gov Feb 03 2018 01:38:06 U.S. Attorney Office,
 c/o Virginia Powel, Esq., Room 1250, 615 Chestnut Street, Philadelphia, PA 19106-4404
 ust +E-mail/Text: ustpregion03.ph.ecf@usdoj.gov Feb 03 2018 01:37:58 Frederic J. Baker,
 Office of United States Trustee, 833 Chestnut Street, Suite 500,
 Philadelphia, PA 19107-4405
 ust +E-mail/Text: USTPRegion03.WL.ECF@USDOJ.GOV Feb 03 2018 01:37:58 SHAKIMA L. DORTCH,
 U.S. Dept. of Justice - U.S. Trustee, 844 N. King Street, Suite 2207,
 Wilmington, DE 19801-3519
 ust +E-mail/Text: USTPRegion03.HA.ECF@USDOJ.GOV Feb 03 2018 01:37:58 United States Trustee,
 228 Walnut Street, Suite 1190, Harrisburg, PA 17101-1722
 ust +E-mail/Text: ustpregion03.ph.ecf@usdoj.gov Feb 03 2018 01:37:58 United States Trustee,
 Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107-4405
 dft E-mail/Text: camanagement@mtb.com Feb 03 2018 01:37:39 M&T BANK, P.O. Box 840,
 Buffalo, NY 14240-0840

TOTAL: 8

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 04, 2018

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 2, 2018 at the address(es) listed below:

DENISE ELIZABETH CARLON on behalf of Defendant M&T BANK bkgroup@kmlawgroup.com
 IRWIN LEE TRAUSS on behalf of Plaintiff Mattie Mae Faulkner itrauss@philalegal.org,
 irwin@trauss.com
 THOMAS I. PULEO on behalf of Defendant M&T BANK tpuleo@kmlawgroup.com,
 bkgroup@kmlawgroup.com

TOTAL: 3

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Mattie Mae Faulkner,
Debtor

MATTIE MAE FAULKNER,
Plaintiff

v.

M & T BANK,
Defendant

CHAPTER 13

Bankruptcy No. 17-10660-ELF

Adversary No. 17-00276-elf

**STIPULATION TO EXTEND TIME FOR PLAINTIFF TO FILE RESPONSE
TO DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT**

AND NOW, it is hereby stipulated and agreed by and between the undersigned as follows:

1. On January 19, 2018 Defendant M&T Bank filed a motion to dismiss Plaintiff's

Amended Complaint in the above captioned adversary action.

2. Plaintiff's response to the motion is due by Friday February 2, 2018.

3. The parties have agreed to extend the time for Plaintiff to file a her response to

Defendant's motion to **February 16, 2018**.

4. Since receiving Defendant's motion, Plaintiff's attorney has had existing prior deadlines in other matters that have made it impossible to work on Plaintiff's response to Defendant's motion, despite working every day, including weekends, an average of in excess of 10 hours a day.

5. In addition, last Friday January 26, 2018, Plaintiff's attorney learned that an order from the Philadelphia Orphan's Court had been entered against a disabled client of his, who can't walk, is barely comprehensible when he speaks and has trouble breathing without the aid of oxygen, compelling him to vacate his home of twenty years on February 2, 2018 on pain of contempt, so the property can be sold by the estate of his late wife.

6. This unexpected event has added an additional urgent matter petitioner's attorney must attend to before February 2, 2018.

7. Defendant's motion raises a multiplicity of issues that will require considerable time to respond to.

8. For these reasons the parties, but their respective attorneys pray this court to approve the forgoing stipulation and to extend the deadline for Plaintiff to respond to Defendant's motion to **February 16, 2018.**

Date: January 31, 2018

By: Thomas I. Puleo, Esquire
Thomas I. Puleo, Esquire
Attorney for Defendant, M & T Bank

Date: January 31, 2018

/s/ Irwin Trauss
Irwin Trauss, Esquire
Attorney for Plaintiff/Debtor, Mattie Mae Faulkner

ORDER

Approved by the Court this 2nd day of February, 2018.

*

No further extensions shall be granted.



ERIC L. FRANK
CHIEF U.S. BANKRUPTCY JUDGE

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I write further to point out that the Defendant failed to comply with L.B.R. 7005-1(a) by failing to send a Notice of Motion and that the response period is 21 days, not 14 days, as the parties appear to have assumed. See L.B.R. 7005-1(b)(2). Thus, this Order grants the Plaintiff a one (1) week extension of time. No further extensions are appropriate because the Motion to Dismiss the Amended Complaint is substantially similar to Motion to Dismiss the original Complaint. The Plaintiff has been on notice of the main thrust of the Defendant's arguments since November 14, 2017. Three (3) months is a sufficient time period to respond to a Rule 12(b)(6) motion, even considering that counsel was out of the office for a few weeks on family matters.